# Lawyer, wrongly convicted man crumble society's walls By Kevin Fagan SUN APR 26 1992 that year - 1972 - and Owens wound up instead course with fate, they are fast friends.

HIS IS A TALE of opposites attracting, of justice hard won, and of a friendship that blossomed through the years despite all odds.

On one side is a comparatively rich white lawyer named John Taylor. On the other is a poor black man named Aaron Owens, whom Taylor put behind bars for life for a brutal shotgun double murder two decades ago.

Taylor was a hot prosecutor, the Alameda County district attorney's best. He nailed Owens easily, leaving no doubt in the jurors' minds with pinpoint witness descriptions and bloody evidence.

The only trouble was that Owens was innocent.

And he almost died for the mistake. Had the killings happened just months earlier, Owens probably would have been sentenced to choke in the gas chamber. But as fate would have it, the state Supreme Court overturned the death penalty

That meant that nine long years later, when Taylor went to Owens' parole hearing to make sure the "murderer" wouldn't be freed, the then-convict was able to look Taylor straight in the face for the first time since his arrest. And Owens was able to say one simple thing he had never seriously told him: "I didn't do it."

"I said, 'Right - save it for the other cons." Taylor said recently in the Walnut Creek office where he now has a private law practice. "But then I looked in his eyes, and suddenly I could see he was telling the truth.

"And I thought, 'Oh, my God.' "

Thus began a legal roller coaster that resulted, two years later in 1981, in Taylor winning a courtroom fight to get Owens freed. And today, almost exactly 20 years after the messy May 13, 1972, drug-killing that sent them both on a collision

They share a beer now and then, or catch lunch on the lawn at some local park. They toy with writing a book about their lives, and Taylor belps Owens out whenever he needs a lawyer.

Owens, well-muscled and lean at the age of 49. still lives much as he did before: He rents a tiny apartment west of San Pablo Avenue on the tattered side of Berkeley, where he earns a small income caring for a quadriplegic woman.

And Taylor, a slimmer man of 50 who sports a neat, gray beard, lives as he always did, in a big house in the Eastbay hills, married to a local judge. He wants for little and picks and chooses legal cases from his sparkling Walnut Creek office.

But when the two get together, the walls of monev, attitude and racism that would divide lesser men

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rhelt raway.

"Hey, bro"," Taylor snapped jokingly as Owens waiked into ligh office on a recent warm alternoon — half an hour late, as heroften is. "You (wasting time)

again?"
Their eyes met, as clear and as orderstanding as that day to San Quentin when Owens specked Taylor with the traih.

and they both grinned widely.
"You're an ass..., and you always were," Owens roared, stapping Taylor on the arm.
"Good to see you, too."

You'd think that in all those hard prison years, Owens would have developed an insurmountaine resentment against the man who put him away But there's for a trace.

"Tjust figured he was a sharp lawyer doing what the system told him to," Owens said. "I hate hiving done time, and that conviction will haunt me the rest of roy life, but John is not the one to blame.

. "I prefer to think John is the one who got me out."

#### Parallel thoughts

The irony of their friendship is not lost on thein.

"Yeah he's a rich man and I'm a poor man But we're right there, close." Owens said, holding up both hands next to each other. "We don't need to be on the same side of life to understand each other."

Taylor added. "Aaron's a very personable, charming guy who lived on the wrong side of the law and got incredibly unlucky

that once.

When asked to unreel their strange legal sags, the men linish santences for each other. Having done the TV show rounds after Owens was freed, from "Good Morning America" to CBS News, they're well used to telling the story.

It began the day before Mother's Day 1972, when two men armed with a pistol and a shot-gun surprised reputed heroid dealer Stan Bryant and his girlfrend, Suenctte Cook, at their Rockridge home, With Bryant was, Forrest Brown and his 4-year-oil son.

After arguing about whether to kill all four, the gunmen let Brown and his son go, then shot Bryant and Cook to death. One of the gunmen was drug dealer Glenn Bailey, who yearslater told a reporter he arranged the killings because Bryant "disrespected me." The other gunman, Brown and another witness later lestified, was Aaron Owens.

"I was very contrortable with his case. I had good evidence and good witnesses, and I had no doubt Aaron did It." Taylor said. "Just goes to show you — it takes a good lawyer to convict a guilty man, but it takes a helt of a lawyer to convict an innocent man."

### Proof of legal mistakes

When he was arrested, Owens ingured the cops were just leaning on him because he'd beaten a few drug and robbery raps before. He'd been buying flowers for his wife and mother at the time of the murders, and fell sure he'd just draw aomo light sentence to teach him a lesson.

He believed that until a year later, when he got two life terms for first-degree murder.

Reflecting on the sentencing last week, after double-mirderer Robert Allon Harris become the first California prisoner executed in 25 years, Taylor said he never would have asked for a death sentence.

"In a system where you have human beings involved, you're always going to have mistakes," he said. "I'm not going to argue for or against the death penalty on the whole, but let me just say this: Aaron in living proof that legal mistakes can be made."

Owens first went to Folsom prison, then San Quentin, and he appealed his case all the way to the U.S. Supreme Court: Denied at every level, he thought it looked hopeless until the 1980 parole hearing where he met Taylor again.

Owens was denied parole that day, but as Taylor drove back to his plush Oakland hills home he couldn't scrub that epiphanic moment from his mind.

During the first trial, the two had exchanged a few words between proceedings, but it had been cursory at best. Owens never testified on the tand, afraid that evidence showing he had once owned a shotgun would damn him.

"Early on, during a recess, Aaron told me casually that he hadn't done it, but of course I thought he was fuil of it," Taylor mand. "We never had a serious moment until that parole hearing."

By then, he'd already had a helly full of 13 years as a DA's prasecutor and was scheduled to resign two days later. The thought that he would leave without a clean conscience cut him to the quick.

"I said to my wife when I got home, 'I don't think that guy did it,' and she said, 'Weil, you'd better check it out.' " Taylor said. So he did. He immediately found resistance. "The legal system hates to ad-

mit it made a mistake," he said recently with a sigh.

Lowell Jensen, who was then Alameda County District Attorney, told him to lay off, saying he was just feeting sentimental about the 35 murder cases he had so aggressively prosecuted for the county. Superior Court Judge Alan Lindsay, who tried the cuse, warned Taylor he was being led on.

#### Another year's work

Undaunted, Taylor started deciding up evidence, and the key came a year later when Owens' co-defendant, Bailey — who pleaded innocent but admitted the killings in prison — wrote him a letter, saying he would cooperate.

Bailey never implicated Owons in the trial. but now figured a new investigation might get him a new trial. The man who convinced him of that was Owens, who'd wrangled himself a San Quentin cell next to Bailey's so ice could verbally work on him.

Taylor, by then a private attorney, got a witness in the getaway car to admit she'd lied to protect the real killers. Taylor also scared up another witness, and got photos of the true killer. It was eerie — Bailey's actual sidekick was a dead ringer for Owens. 5-foot-8 with the same features, right down to mutton-chop sideburns. That's why Brown, the timan who was spared at the last minute, had mixed the two up.

DA Jensen was finally convinced and sent the case back to Judge Lindsay On March 6, 1981, he threw out the convictions and Owens walked out a free man. He had been in county jail or state prison since November 1972. Bailey is still doing life in San Quentin. The other killer, said Taylor and the DA's office, could never be prosecuted, because when they discredited their evidence to Irise Owens they discredited everything relating to the second killer.

"I remember to this day the moment John came to San Quentin and told me I was going to be a free man," Owens said. He stared straight-laced at Taylor, and a lone lear squeezed from one eye. "I just dropped to my knees and cried."
Taylor, in turn, said he has no

regrets over having convicted Owens the first time. "I was just doing my job," he

said. "The important thing is I set it right later."

Owens' 78-year-old mother, Cladys, and his eight siblings have never forgiven Taylor for putting Owens in prison, despite his later efforts, which include defending him against two minor burn raps since being freed. Taylor's wite also takes a dim view of the two patting around together.

"It's OK," Taylor shrugged.
"They don't understand, but
we do," Owens added.

While he was behind bars, Owens' wife divorced him and his two daughters grow up. That, plus the toughening that comes from living in coment and steel, have left their mark

"I still have trouble staying with anything for long — girlfriend, job, whativer," Owens said "And when it feels like I'm losing II, John can tell.

"He just says, 'Don't ... me, man,' and he keeps me on the straight and narrow. And I respect him because I know his concern is genuine."

Owens in turn showers unmilgated alfection on his buddy. When Taylor arriy lived through a historia rety lived through a historia constant of the historia new part of the through a through a property of the through the through a property of the "prayed every day for him." And when Taylor determinedly went back to work a year later, Owen urged bilm on, telling him to hang lough.

"It was only because John was such a caring man that I got out of prison," Owens said, voice cracking as Taylor looked away with an embarrassed smile, "I owe tilm my life.

"I love the man."

## Star prosecutor quits in disillusionment

After winning two of the toughest and most-publicized criminal cause of the year, John Taylor would ap-pear to be at the top of his career as an Alamede County deputy district attorney

Instead Taylor, who in back-toback trials this year convicted kid-napper Edward Seward and triple murderer Lawrence Pairick Reilly. says that as far as he's concerned his

career is at an end. Deeply troubled by a legal system that he says has little regard for truth and by courts that he claims fail to hold criminals responsible for their actions, Taylor is quitting his job with no real plans for what he

will do next. After 13 years as a trial lawyer, he says he is convinced that frustra-tion and emotional burnout are the only real payoffs for prosecutors who pursue their careers in hopes of serv-

ing the public There is a tremendous amount of violence that goes unpunished."
Taylor says, "and that begins to
work on your own personal sense of

justice.
"You can try to shrug it off with sick jokes or by drugging your mind with alcohol, but it builds, and it

builds, and it builds inside "It's a question of how long you can do that if your motive (for being a prosecutor) is sincerely altruistic how long you can keep hitting yourself against a brick wall. And recently, the brick wall has been hitting back."

Criminal trial work is a high-pressure job, and the lawyers who spend their lives prosecuting felonies tend to be competitive, single-minded — and, perhaps, thin-skinned about criticism and setbacks. Cer-tainly singing the "D.A.'s blues" — complaining about assertedly obtuse trial judges and unreasonable appeal courts - is a venerated practice among prosecutors

Nevertheless, many prosecutors who privately share some of Taylor's views say his criticisms transcend normal griping. They contend that a long series of recent appeal court decisions - including reversals of the convictions of such local defendants as Symbionese Liberation Army member Russell Little and Barry Braeseke, the Dublin man convicted of killing his parents and grandfather is demoralizing many top prosecu-

Other lawyers have abruptly quit the Alameda County office; in fact, another well-regarded prosecutor. Taylor's longtime friend Joanne Parrilli, is joining him in premature re-tirement. Still, most lawyers cope by grousing about "Rose and the Su-premes" — the sardonic sobriquet for the present state Supreme Court or seek a transfer away from the trial staff, or quietly resign to enter private practice.

Taylor's outspoken and abrupt manner of departure is unusual but in keeping with his own percep-tion of himself as "office maverick." Since joining the D.A.'s office out of Hastings Law School, Taylor, 38, has won convictions in more than two dozen murder cases - including the staggering total of seven in the year

An intense and sometimes unorthodox lawyer, he has on occasion pushed his conduct to the limits of lawyerly propriety in pursuit of a

For example, during the first trial of Reitly - who ultimately was

### ... a tremendous amount of violence that goes unpunished

convicted of murdering LSD dealer Frank Regusa and his wife and sister - Taylor interrupted one lengthy de-fense motion by exclaiming. "I can't believe we 're doing this! This is a joket" and rising as if to loave the

During the same trial, he gave such an unusual closing argument refusing even to mention any of the returning even to mention any of the evidence in the case—that his opponent complained of being "sandaged" because the prosecutor had given him nothing to rebut.

Likewise, Taylor's withering cross-examination of defense withmeans in the trial of Compand with

cross-examination of defunes witnesses in the trial of Soward led the defendant to ursuccessfully seek a new trial of the legional of "prosecutorial miscentiaty". Faylor sizes that some of his courtreen impetionaty — if not his other tackets — probably reflects his fragtration with what he calls "this modelled fluster systems." so-called justice system."

Because of what he characterizes as increasingly strict appellate rul-ings on evidentiary issues — espe-cially regarding how police can conduct themselves in searching the perout themselves in searching the per-son and property of suspected criminals — he says that jurors often get only a selective and artificial view of the events surrounding a

We no longer even come close in trial to ascertaining the fruth," he says. "And Isn't that what we ought to be doing? Shouldn't we be?"

Taylor asserts that for many law-Taylor asserts that for many law-yers and judges trial work is nothing more than a legal "game" that is played within a moral framework that he believes is akkwed. "You will find a tone of morality creeps into the voices of these people

when they talk about a search and scizure question." he says.

"It's, 'The stupid police officer, do

on know what he did, blah blah

"Ofton I find myself thinking something like this: 'Hey, wait a minute. A 64-year-old woman was raped. That ought to be what people are thinking about — the morality of the crime . . . . That's the only moral judgment that should be (exercised)

Not surprisingly. Taylor blames judges - both at the trial and tho appeal court level - for much of the problem. Unlike many of the system's critics, he refuses to phrase his criticism in political terms.

But he charges that many judges and the political leaders - who put them on the bench are imbued with a permissive personal philoso-phy that makes them unable to hold guilty defendants responsible for their criminal acts.

He perceives this permissive atti-tude in everything from Supremo Court decisions to sentencing hearings for such crimes as non-fatal

While 10 years ago a defendant convicted of such a crime almost automatically went to prison, he asserts that today it is up to the prose-cutor in such cases to muster "legal and moral arguments" to convince judges not to routinely grant proba-

He says he is convinced that ordiry cilizens share his views but lack his sense of the urgency of the prob-

For that he faults news reporters for assertedly avoiding thorough re-porting on the criminal justice system in favor of splashy spot coverage of sensational trials. But coming back to his own short-

attitudes on the system began to crystalize, he became increasingly unable to take the emotional beating involved in trying cases. He says he became especially ag-

ltated in the trial of Seward. Despite eyewitness testimony and physical evidence that linked him to the crime, the prominent Castro Valley resident stoutly maintained his in-nocence, and his friends and neighbors packed the courtroom each day to give him encouragement.

In mid-trial, the defendant filed a \$12 million legal claim against Tayfor for alleged civil rights violations stemming from his arrest.

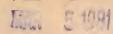
Taylor bulled his way through the case, but the night the guilty verdict came in he went out and drank too

The morning after the Seward verdict. I woke up and started crying. I cried for about five min-utes, trying to pinpoint what I was crying about.

I think it was - I'm really upset by the fact that a great segment of the community out there (in Castro Valley) thinks Ed Seward was inno-cent. I felt serry for his family, and for Ed Seward himself.

## An innocent man's victory

By Del Lane Tribune Staff Writer



A former Alameda County prosecutor has won the freedom of the man he successfully tried for murder in 1973.

John Taylor, now an attorney in private practice at Lake Tahoe, was told in 1979 by a co-defendant of Aaron Lee Owens, that Owens, 37, was wrongfully convicted of helping murder two people in what appeared to be a grudge over drug transactions.

The co-defendant, Glenn Bailey, gave Taylor this information during a parole hearing and followed up with a letter last year to the Alameda County district attorney's office.

Bailey later supplied Taylor with the name of his actual accomplice and the names of

several other people who, he said, knew the identity of that man.

Taylor was redeputized, assigned an investigator and reopened the case.

On Wednesday. Don Whyte, an Alameda County deputy district attorney, appeared before the state Board of Prison Terms at San Quentin, told the board of the circumstances and asked that the case be returned to the original trial court for further consideration.

"I understand that a letter has been sent returning jurisdiction to Alameda County Superior Court," Whyte said Wednesday night. "When that arrives, I will ask the sheriff to remove Owens from San Quentin and take him

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and the actual suspect, to the happened At the his was neve

Summe suit fillige 4-1 before the original trial judge,

Alan Lindsay."

At that point, Whyte said, he will recommend that the jury verdict be vacated and move that the charges be dismissed.

"I expect Owens to be free at the very latest by early next week," he said.

In his report to the prison terms board, Taylor said Owens was the victim of "several incredibly coincidental occurances."

Among those, said Whyte, is the fact that police identification photos show a remarkable physical resemblance between Owens and the actual suspect, to the extent that "they could be twin brothers, almost."

Because of that resemblance, Whyte said, Owens was positively identified as one of the killers by a witness who "simply made

an honest mistake."

The other coincidences, Whyte said, were contained in "a lot of small bits of circumstantial evidence."

He said Owens' case was further damaged by the fact that he did not testify in his own behalf at his trial, "which is unusual for an innocent man." But, Whyte said, Owens made that choice because he had once been convicted of possessing a sawed-off

snorgun - the same kind of weapon used to kill one of the victims.

The victims were Marie Collins, 24, and Stanford Bryant, 42, who were shot to death on May 13, 1972, in an apartment in Oakland's Rockridge district.

Owens was sentenced to life and Bailey sentenced to two life

terms.

Whyte termed Owens' conviction a "one-in-a-million shot - I never expect to see it happen again."

And Taylor's of involvement in reopening the case, Whyte said, "A situation like this has never happened. At the time, Taylor had some misgivings about the case, nothing he could really put his finger on. After Bailey talked to him, he acted through a sense of moral responsibility."

As for Bailey's true accomplice, Whyte said, "We have the name of an individual, but the state of the evidence in the case is such that we will probably never be able to proceed against him."

Of Owens, Whyte said, "He has a remarkable attitude. He just accepted conviction for a crime he didn't commit as the way life is. I couldn't do that. I don't know why he didn't go crazy during all those years in prison."

## Prosecutor's story

## How innocent man was freed

By Lance Williams Tribune Staff Writer

MAR 1 0 1981

In January 1980, in a small room at San Quentin Prison, a convicted murderer looked into the eyes of the prosecutor who put him behind bars — and each man learned a startling truth about the other.

Conviet Aaron Owens, who stoutly maintained he was innocent of two Oakland killings eight years before, realized that his prosecutor believed him guilty of the crimes — and had not, as Owens firmly believed, railroaded him on a murder rap to punish him for dealing drugs.

Alameda County Deputy District Attorney

John Taylor's sudden insight into Owens was equally astounding — and far more troubling.

Something in Owens' look convinced the bearded lawyer that Owens was sincere in his protestation of innocence and that Taylor — with absolute certitude honorable intention, and all his skill as a trial lawyer — had convinced a jury to convict the wrong man.

On Monday, in his first interview since Owens was released from prison Friday, Taylor told the Oakland Tribune/Eastbay TODAY of his yearlong investigation to confirm the gut feeling that

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also on sale: 3-way speakers with 10" woof

he had at San Quentin that day and to convince authorities that Owens was innocent.

Taylor, who is now in private practice at Tahoe City, said an innocent man, not the "free-floating anxiety" that sometimes afflicts ex-prosecutors when they look back on their careers bringing criminals to justice motivated him in his campaign to free Owens.

Taylor believes that Owens was the victim of incredible coincidence, of the flaws inherent in the American system of adversary legal proceedings and of his own refusal to cooperate with police.

None of that, Taylor said, was his fault. Taylor said he battled to exonerate Owens for one reason only — to correct an honest, if enormous, mistake.

On May 13, 1972, reputed heroin dealer Stan Bryant and his girlfriend, Suenette Cook, were accosted at gunpoint by a man with a pistol and a man with a shotgun at a house at 333 Florence Ave. With Bryant was a man named Forrest Brown and his four-year-old son.

The gunner discussed killing all four people, but finally decided to let Brown and the boy leave. Shortly after that, Bryant and Cook were shot to death.

Police located Brown and he agreed to aid them in their search for the killers. The identity of the man with the pistol was easy to establish — Brown identified him as reputed drug dealer Glenn Bailey, a man Brown had known for years, and who had had several run-ins with Bryant.

Other evidence was quickly obtained to confirm Bailey's part in the slayings, but police had few clues about the identity of the man with the shotgun, whom Brown had never seen before.

Police began assembling photos of people with connections to Bailey. By checking a phone log at a motel where Bailey had lived, they found that Bailey had telephoned the Richmond home of Aaron Owens shortly after the killings.

They showed the photo of Owens — also an alteged drug dealer — to Brown, who promptly identified Owens as the man with the shotgun Brown had only two reservations — the man with the shotgun had a lighter complexion than Owens, and muttonchop sideburns. Brown, however, stuck by his identification of Owens as the other gunnan right through the trial.

Five months after the killings, Owens was arrested. Like Bailey, he said he had nothing to do with the crimes and didn't even know his alleged accomplice.

The trial of Bailey and Owens was only one of the seven murder cases that Taylor presecuted in 1973.

Taylor said that, as in all his cases, he examined the evidence the police had accumulated and tried to entertain "every possible doubt" about the guilt of the defendants. Taylor said he routinely went through this process in part to ensure he was not prosecuting innocent people and also to anticipate what defense he might encounter.

By the time he went to trial, Taylor was totally convinced of the gull of both Balley and Owens. Their alibi defenses — witnesses said

Bailey was at a liquor store and Owens at a flower shop at the time of the crime — he considered phony.

He considered equally implausible the defense claims that Bailey and Owen's had never met and that Bailey had phoned Owens' house because he was trying to contact a girlfriend of Owens' sister whom he had met at a party.

Neither defendant took the stand to protest his innecence. The jury, at Taylor's urging, found both men guilty of first-degree murder.

After the convictions were upheld on appeal, Taylor forgot about the case until January 1880, when he was preparing to quit the district attorney's office and move to Lake Tahoe. Owens had come up for his first parole hearing — and Taylor made it a practice to attend such hearings for defendants he had convicted in hopes of getting the chance to "sit and chat" with them about their crimes without worrying about violating their constitutional rights.

"I can sit down with a guy and say, 'I know you did it, and I proved a whole lot of things, but there are a whole lot of loose ends I want to know about,' "he said.

"So Aaron and I are sitting there talking, and he basically said, 'Of course you know I didn't do this.'

"And I said, 'Aaron, San Quentin is chock full of guys who (claim they) didn't do what they're here for. Don't waste your time with me — tell it to them:

"And he said, Wait a minute, I thought you always knew I was innocent... but that I'd done so many other things you used this as a convenient way to get me off the street."

"So I gave him a five-minute spiel about how the system can't work that way and how I would never be innvolved in an ends-justified-the-means prosecution no matter how bad he was, and as I was talking I watched his eyes.

"And I saw what is called in psychology the 
'Ah hah!' expression. I saw him go, 'Christ, this 
guy really thinks I did it.'"

At that moment, according to Taylor, Owens began heatedly asserting his innocence — and claimed for the first time he had known since shortly after his arrest the identity of Bailey's real accomplice.

Owens claimed that he knew Bailey only because a jail trustee had introduced them after their arrest. Owens said he has refused to testify only because he had used a sawed-off shotgun in other crimes — and he feared that Taylor would use that information to convince the jury of his part in the killings.

Besides, Owens said, he had considered the whole proceeding a "joke" — and never for a moment expected to be found guilty.

But despite the shock of his conviction, Owens said he never asked Bailey to intercede on his behalf — even during the two years when the men had adjoining cells at San Quentin.

"There was no vehicle of communication between these two guys," Taylor said. "Aaron's life was on the line, but he never says to Bailey, 'It's ridiculous for you to say you didn't do it, and you must have done it with somebody else — come



Aaron Owens, freed after eight years in prison.

on, help me out."

"They're neighbors (in prison) When they get up in the inorning, they look each other in the eye. And Aaron never says, 'Can't you get me out of this?' because of the code of the people who grow up in a criminal environment."

Taylor said he told Owens he would investigate his claim only if he was given the name of the real killer. Owens refused, and Taylor left.

But six months later, after further interviews with both Owens and Builey — who also asserted that he was guilty but Owens was innocent — Taylor learned the name.

Despite his increasing belief in Owens' innocence, Taylor said he still had his doubts — and expected the convicts to give him the name of "somebody who was either dead or already doing time for about three mirders."

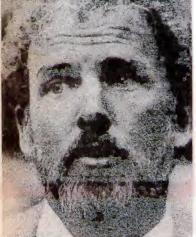
Instead, the name matched was that of an Oakland drug dealer who was a dead ringer for Owens — except that he had a lighter complexion, and in 1972 were multionchop sideburns.

At that point, Taylor said, he came back to Oakland and told District Attorney Lowell Jensen he was now convinced Owens was innocent.

going, 'th-huh, here's a guy who for whatever reason has gone on a guilt trip over one of his prosecutions that to him may represent all of his prosecutions. So I'll listen to him very patiently, but I'm not prepared to believe him."

Neverthéless, Jensen agreéd to pay Taylor's expenses to re-investigate the case — and assigned veteran Inspector Don McWilliams to assist him. McWilliams initially was skeptical about the whole project — but as the men traveled from Seattle and to Los Angeles to track down witnesses, McWilliams too became convinced of Owens innocence.

"The only other possibility was that (Owens and Batley) got together and cooked this up." Taylor said. "I'm aware of no communication



John Taylor prosecuted wrong man.

between them and the witnesses we interviewed Some of them had changed their names, changed their identities, changed their lives."

Finally, early this year, Taylor and McWilhams told both Jensen and Superior Court Judge Alan Lindsay that Owens should be set free. Taylor said the record of Bailey's phone call to Owens' house, Owens' resemblance to the killer, and his refusal to tell police the identity of the gullty party made his arrest almost nevitable.

But he believes that Owens might never have been converted if criminal trials were less of a "legal game" and more a proceeding for ascertaining the truth.

For example, he said, present law requires prosecutors to provide defendants virtually all of the evidence they have accumulated before trial—but does not require the defendant to advise the prosecutor of his list of witnesses and line of defense.

This benefits a guilty defendant, Taylor claims, because it gives him ample opportunity to construct a phony alibl. But in the case of Owens, Taylor claimed, it may have guaranteed his prosecution because police never had the opportunity to investigate his story.

If Taylor feels no pangs of conscience about his part in putting Owens in prison, he is also philosophical about the fact that the man he says is the real killer was never punished.

"I know him to be a person who is not a danger to you and me," he said. "He's a danger to a dope dealer, to somebody who lives in that

"I don't think it's a great idea to have people who have taken a human life out walking around, but our legislature and the judicary and the penal system we have tend to take it pretty lightly."

"Besides. I learned a long time ago you can't right every wrong."